JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

-	TWENTY-EIGHTH DAY

STATE OF SOUTH DAKOTA Senate Chamber, Pierre Friday, February 22, 2013

The Senate convened at 12:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Brad Urbach, followed by the Pledge of Allegiance led by Senate pages Kelcey Robbennolt and Jenna Vogel.

Roll Call: All members present except Sen. Krebs who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted, Corey Brown, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

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2 MR. PRESIDENT:
The Committee on Legislative Procedure respectfully reports that the Office of Engrossis and Enrolling has carefully compared SB 12, 13, 18, 19, 23, 27, 32, 41, 45, 52, 67, 72, 78, at 85 and finds the same correctly enrolled.
Respectfully submitte Corey Brown, Cha
8 Also MR. PRESIDENT:
The Committee on Local Government respectfully reports that it has had und consideration HB 1068, 1081, 1082, and 1158 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.
Respectfully submitte Mark Kirkeby, Cha
14 Also MR. PRESIDENT:
The Committee on Appropriations respectfully reports that it has had under consideration to the HB 1033, 1038, and 1057 and returns the same with the recommendation that said bills do past
Respectfully submitte Deb Peters, Cha
19 Also MR. PRESIDENT:
The Committee on Transportation respectfully reports that it has had under consideration that said bill do pass. HB 1141 and returns the same with the recommendation that said bill do pass.
22 Also MR. PRESIDENT:
The Committee on Transportation respectfully reports that it has had under consideration HB 1162 and returns the same with the recommendation that said bill do pass and be placed to the consent calendar.
26 Respectfully submitte 27 Mike Vehle, Cha

1	Also MR. PRESIDENT:
2 3 4	The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1208 and returns the same with the recommendation that said bill be amended as follows:
5	1208jc
6 7	On page 1, line 8, of the House engrossed bill, after "organisms" insert "but shall exclude household waste including medical waste generated at a private residence".
8 9	On page 1, line 11, after "person" insert ", as defined in subdivision 21-1-2(31), but excluding any natural person".
10	1208jta
11	On page 1, line 1, of the House engrossed bill, delete "unlawful".
12	And that as so amended said bill do pass and be placed on the consent calendar.
13 14	Respectfully submitted, Jean M. Hunhoff, Chair
15	MESSAGES FROM THE HOUSE
16	MR. PRESIDENT:
17 18	I have the honor to return herewith SB 12, 13, 18, 19, 23, 27, 32, 41, 45, 52, 67, 72, 78, and 85 which have passed the House without change.
19 20	Respectfully, Arlene Kvislen, Chief Clerk
21	CONSIDERATION OF REPORTS OF COMMITTEES
22	Sen. Olson moved that the reports of the Standing Committees on
23 24	Agriculture and Natural Resources on HB 1048 as found on page 518 of the Senate Journal; also

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Agriculture and Natural Resources on HB 1058 as found on page 519 of the Senate Journal be adopted.

Which motion prevailed.

SECOND READING OF CONSENT CALENDAR ITEMS

- 5 HB 1029: FOR AN ACT ENTITLED, An Act to exempt persons hunting mountain lions
- 6 from the requirement to wear fluorescent orange exterior garments.
- Was read the second time.
- 8 The question being "Shall HB 1029 pass?"
- 9 And the roll being called:
- 10 Yeas 33, Nays 0, Excused 2, Absent 0
- 11 Yeas:

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- Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
- Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup
- 14 (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
- 15 Sutton; Tidemann; Van Gerpen; Vehle; Welke; White
- 16 Excused:
- 17 Krebs; Tieszen
- So the bill having received an affirmative vote of a majority of the members-elect, the
- 19 President declared the bill passed and the title was agreed to.

20 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

- Sen. Olson moved that the balance of the calendar including HB 1019, 1020, 1163, 1079,
- 22 1101, 1118, 1030, 1180, 1239, 1164, and 1028 be deferred to Monday, February 25, the 29th
- 23 legislative day.
- Which motion prevailed.

SIGNING OF BILLS

2 The President publicly read the title to

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- 3 SB 12: FOR AN ACT ENTITLED, An Act to update citations and revise certain provisions regarding permits for energy facilities.
- SB 13: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the administration of mineral rights on and under research parks.
- SB 18: FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to construct a 4-H exhibit hall in Huron and to make an appropriation therefor.
- 9 SB 19: FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to construct a housing unit in Huron, to make an appropriation therefor, and to declare an emergency.
- SB 23: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the Certification Board for Alcohol and Drug Professionals and to increase certain fees.
- SB 27: FOR AN ACT ENTITLED, An Act to revise previous session laws related to the design, construction, and equipping of a veterans home near Hot Springs, to make an appropriation therefor, and to declare an emergency.
- SB 32: FOR AN ACT ENTITLED, An Act to revise the provisions under which the Bureau of Administration may enter into contracts for insurance and reinsurance.
- SB 41: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the requirements for school bus inspection and to authorize the Highway Patrol to approve school bus inspectors.
- SB 45: FOR AN ACT ENTITLED, An Act to permit certain persons to renew an operator's license, a motorcycle operator's license, or nondriver identification card without appearing in person at a driver license exam site.
- SB 52: FOR AN ACT ENTITLED, An Act to authorize one cent credit denominations for video lottery machines, to authorize the award of one thousand dollars on a video lottery machine, and to make form and style changes to certain provisions regarding the lottery.
- SB 67: FOR AN ACT ENTITLED, An Act to revise the requirements for health maintenance organizations.
- 30 SB 72: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning inspections of food service establishments by the Department of Health.

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1 SB 78: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to medical 2 requirements for intrastate drivers transporting passengers and to update certain references to 3 federal statutes. 4 SB 85: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the production incentive payment available to ethanol producers. 5 6 HB 1006: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the termination of certain mineral interests. 7 8 HB 1052: FOR AN ACT ENTITLED, An Act to revise certain requirements for third party 9 administrators and pharmacy benefits managers. 10 HB 1157: FOR AN ACT ENTITLED, An Act to increase certain penalties regarding the 11 sale of petroleum products. 12 And signed the same in the presence of the Senate. 13 COMMEMORATIONS 14 SC 15 Introduced by: Senators Welke, Bradford, Frerichs, Holien, Jones, Kirkeby, Lucas, 15 Novstrup (Al), and Sutton and Representatives Greenfield, Cammack, Campbell, Ecklund, 16 Erickson, Feickert, Hawley, Heinemann (Leslie), Johns, Kaiser, Kopp, Magstadt, May, Olson 17 (Betty), Rozum, Schoenfish, Schrempp, Solum, Stevens, Tulson, and Verchio 18 A LEGISLATIVE COMMEMORATION, Honoring the Kopriva family of Clark County as the 19 2012 Leopold Conservation Award recipient. 20 WHEREAS, the Leopold Conservation Award, named for renowned conservationist Aldo 21 Leopold, recognizes farm and ranch families who demonstrate outstanding conservation 22 leadership on their land and in their communities; and 23 WHEREAS, Jim and Karen Kopriva of Clark County make conservation a family tradition 24 with their children Lee and Angela; and 25 WHEREAS, the Korpiva's grassland, water, and wildlife habitat management techniques 26 are a clear demonstration that responsible environmental management and successful 27 agricultural operations can readily coexist; and 28 WHEREAS, a commitment to the health of South Dakota's natural resources is exemplified 29 by the Kopriva family as the recipient of the 2012 Leopold Conservation Award: 30 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the 31 State of South Dakota, that Jim, Karen, Lee, and Angela Kopriva are recognized for earning the 32 2012 Leopold Conservation Award in South Dakota.

- SC 16 Introduced by: Senators Begalka, Adelstein, Bradford, Brown, Buhl, Ewing,
- 2 Frerichs, Heineman (Phyllis), Holien, Hunhoff (Jean), Johnston, Jones, Kirkeby, Lederman,
- 3 Lucas, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie), Rampelberg,
- 4 Rave, Rhoden, Soholt, Sutton, Tidemann, Tieszen, Van Gerpen, Vehle, Welke, and White and
- 5 Representatives Peterson, Bartling, Bolin, Campbell, Carson, Ecklund, Erickson, Feickert,
- 6 Feinstein, Gibson, Greenfield, Hansen, Hawks, Hawley, Hickey, Hunhoff (Bernie), Johns,
- 7 Kaiser, Killer, Kirschman, Kopp, Lust, May, Miller, Nelson, Novstrup (David), Olson (Betty),
- 8 Otten (Herman), Parsley, Qualm, Ring, Romkema, Rounds, Schaefer, Schoenfish, Sly, Soli,
- 9 Solum, Stalzer, Steele, Tulson, Tyler, Verchio, Werner, and Wismer
- 10 A LEGISLATIVE COMMEMORATION, Commending and honoring Gale Lundberg on his
- retirement from teaching and coaching for fifty years in South Dakota schools.
- WHEREAS, the 2012-2013 school year will be Gale Lundberg's fiftieth year as an educator
- for Waverly High School, Clear Lake High School, and Deuel High School; and
- WHEREAS, Gale Lundberg served as head boys basketball coach for sixteen years, head
- girls basketball coach for twenty-three years, and head golf coach for six years; and
- WHEREAS, Gale Lundberg has coached girls basketball teams to six district
- championships, five region championships, one state title, and two state second-place finishes;
- 18 and
- 19 WHEREAS, Mr. Lundberg was elected South Dakota Coach of the Year in girls basketball
- 20 for 1977 and 1980. He received the South Dakota High School Coaches Association
- 21 Distinguished Service Award in Coaching and was inducted into the SDHSCA Hall of Fame
- 22 in 1999:

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- NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
- 24 State of South Dakota, that the Legislature commends Gale Lundberg for his dedication to
- educating and coaching in South Dakota.
- Sen. Soholt moved that the Senate do now adjourn, which motion prevailed and at
- 27 12:55 p.m. the Senate adjourned.

Jeannette Schipper, Secretary